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*Attorneys for Intervenor-Defendant
Sable Offshore Corp.*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

CENTER FOR BIOLOGICAL
DIVERSITY, et al.,

Plaintiffs,

V₂

DOUG BURGUM, et al..

Defendants.

and

SABLE OFFSHORE CORP

Intervenor-Defendant.

CASE NO. 2:24-cv-05459-MWC-MAA

**SABLE OFFSHORE CORP.'S
NOTICE OF MOTION AND CROSS-
MOTION FOR SUMMARY
JUDGMENT**

Hearing

Date: July 11, 2025

Time: 1:30 p.m.

Judge: Hon. Michelle Williams Court
Courtroom: 6A

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that on July 11, 2025 at 1:30 PM, or as soon
3 thereafter as the matter may be heard before the Honorable Michelle Williams
4 Court in Courtroom 6A of the U.S. District Court, Central District, Western
5 Division of California, located at 350 W 1st Street, Los Angeles, CA 90012-4565,
6 Intervenor-Defendant Sable Offshore Corp. will cross-move the Court for
7 summary judgment pursuant to Federal Rule of Civil Procedure 56. Intervenor-
8 Defendant cross-moves for summary judgment on all claims because there is no
9 genuine dispute as to any material fact, and Intervenor-Defendant is entitled to
10 judgment as a matter of law.¹

11 This motion is made on the basis that Plaintiffs' entire case is moot. On
12 May 28, 2025, the Bureau of Safety and Environmental Enforcement ("BSEE")
13 relied on an Environmental Assessment ("EA") and issued a Finding of No
14 Significant Impact ("FONSI"). On May 29, 2025, BSEE issued a corresponding
15 decision ("2025 Decision") re-affirming the 2023 extension of time to resume
16 operations for offshore leases ("2023 Extension"). BSEE's EA, FONSI, and 2025
17 Decision moot Plaintiffs' first, second, and fourth claims. In addition, Plaintiffs'
18 third claim is moot because the work under the applications for permits to modify
19 ("APMs") is completed and cannot be undone. Even if Plaintiffs' claims were not
20 moot, Plaintiffs have not met their burden of showing that BSEE violated the
21 National Environmental Policy Act ("NEPA"), the Outer Continental Shelf Lands
22 Act ("OCSLA"), or the Administrative Procedure Act ("APA"). In considering the
23 request for additional time to resume operations after having to shut-in due to the
24 lack of available onshore transportation, BSEE properly approved the 2023
25 Extension and reasonably found under OCSLA that the 2023 Extension was in the

26
27 ¹ In accordance with the Court's scheduling order, Intervenor-Defendant has not
28 submitted a separate "Statement of Uncontroverted Facts" and responses. *See* May
5, 2025 Order. Dkt. 69 at 2.

1 national interest. The record shows that BSEE considered the preservation plan,
2 under which Santa Ynez Unit infrastructure was preserved and drained of
3 hydrocarbons, and thousands of pages of prior NEPA review to inform its findings.

4 BSEE appropriately relied on a categorial exclusion (“CatEx”) to comply
5 with NEPA in approving the 2023 Extension. In finding that there were no
6 extraordinary circumstances preventing the use of a CatEx, BSEE properly
7 considered the project that was before it—whether to approve an extension to
8 preserve the status quo. The CatEx adequately and reasonably addressed each of
9 the extraordinary circumstances given the limited nature of the proposed action,
10 which did not include any change in the footprint of the infrastructure or any
11 change in already authorized operations.

12 BSEE also appropriately relied on CatExs to comply with NEPA in
13 approving the APMs. The record shows the APMs were for minor work in
14 existing wells. These CatExs also adequately and reasonably addressed each of the
15 extraordinary circumstances which similarly did not include any change in the
16 footprint of the infrastructure or any change in already authorized operations.
17 BSEE could properly consider prior environmental review as it did.

18 BSEE also has no obligation to supplement its prior Environmental Impact
19 Statement (“EIS”) for the Santa Ynez Unit because there is no ongoing major
20 federal action. The Santa Ynez Unit has an approved Development and Production
21 Plan that has undergone environmental review, and no further federal approvals or
22 remaining governmental action were required for restart of production.

23 Intervenor-Defendant seeks an order denying Plaintiffs’ motion for summary
24 judgment and granting Intervenor-Defendant’s cross-motion for summary
25 judgment. In support of this notice and cross-motion, Intervenor-Defendant is
26 concurrently filing a memorandum of points and authorities, a Declaration of
27 Daniel P. Brunton, and a proposed order.

1 Dated: May 30, 2025

Respectfully submitted,

2
3 LATHAM & WATKINS LLP

4 By: /s/ Daniel P. Brunton

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